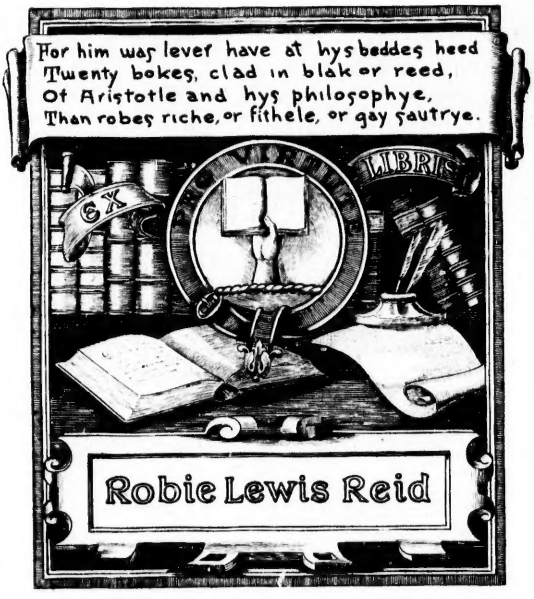

THE CANADIAN FISHERIES DISPUTE;

AN

OPEN LETTER TO SENATOR MORGAN.

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THE CANADIAN FISHERIES DISPUTE—AN OPEN LETTER TO SENATOR MORGAN.

BOSTON, May 22, 1887.

To the Hon. John T. Morgan, Senator from Alabama:

SIR—When I recall the thorough information and ability which distinguished your discussion of the foreign relations connected with the American fisheries, so far as they have been before the Senate, I am penetrated with the feeling that, though this open letter may recall some of the facts already familiar to you, those who read it would wish that you were writing on the subject rather than I.

Mr. Jay, in an open letter to Senator Evarts, advocates the renunciation of the Treaty of 1818 on the fisheries and a return to that of 1783, as a solution of present difficulties more available than the retaliation policy.

Without the consent of both parties to these treaties, the last could not well be set aside by one party only; but, waiving this, would such a step be of any avail to end existing difficulties? The obnoxious laws of Canada, so long as they stand, would effectually abridge the right of the United States, whichever treaty should be in force. The right to fish on the coast of Nova Scotia within the three-mile limit, our fishermen consider of no value whatever.

It is true that, by the change which Mr. Jay suggests, the act of the British Parliament might lose its force on the mere act of fishing in the three-mile limit; but only two among the hundred seizures of 1886 have been for fishing within that limit. What remedy does Mr. Jay give for the other ninety and nine seizures, forfeitures and exclusions made under color of Canadian laws? The Treaty of 1783 furnishes none, suggests none. It contains neither qualified authority to frequent provincial ports for "wood, water, repairs and shelter, and for no other purpose," nor authority to frequent them for any purpose except to take

fish and cure them on the unoccupied shores. On Mr. Jay's plan our fishing fleet would be worse off than now, for the Canadian law of 1886 would have wider scope over them.

The possession of an exclusive fishery within three miles of the shore of the sea, is a subject different from the right to carry on intercourse with the shore for trade; and still different from the right of vessels of one friendly power to seek the ports of another to procure provisions, coal or supplies, which she may need for the purposes of her navigation; and the right of any vessel to navigate within three miles of the coast on her voyage to some other destination, is still distinct from the admission of an exclusive fishery in such waters.

The policy of Great Britain, first expressed by the act of 12 Car. II., had been to prohibit foreign nations from intercourse by sea with her colonies, either to import into, or export from them in their vessels. This policy was in force when the Treaty of 1783 was made. The rights of the United States, therein acknowledged, to use the ports, creeks and shores for the purpose of its fishery, conferred no right to trade with British North America. In 1818 the laws of the United States also prohibited British vessels from importing from or exporting to the colonies, from the ports of the United States, and continued so to prohibit them, long after the Treaty of 1818.

The Treaty of 1818 was distinctively a fishery treaty. We renounced the right to fish within a certain three-mile limit from the shore, but reserved the right to our fishermen to enter "such bays and harbors" in those limits, for shelter, repairs, procuring wood and water, and for no other purpose, subject to regulations that they should not abuse the privileges thus retained. These privileges concern the safety of the fishing vessel and crew, in continuing its business beyond the three-mile line, but are not commercial, and are entitled to liberal construction in their field.

Now, the Canadians contend that the words "for no other purpose" work an eternal exclusion of our fishermen from any commerce or trade with British North America; and that the treaty conveys a jurisdiction absolute, and the exclusive use of the waters of the ocean thus designated.

These propositions are eminently unsound. The high seas are subject to other uses in common for nations, besides "fishery."

Ports and harbors are subject to local law, where no treaty restrains it, and wider privileges may be given foreign vessels within them by law than any treaty has contracted for. Exports and imports between the United States and British North America by sea, remained forbidden by laws, as already stated, for years after the treaty of 1818 was made, to all the shipping of each country, whether merchantmen, fishermen, or both.

Mr. Jay, in his letter, has clearly and strongly shown that the negotiators on each side of the treaty of 1783, recognized the common right of fisheries and the use of the coasts and shores of British North America for fishing purposes, to pertain to the United States equally with Great Britain.

In a decision under that treaty, in the Vice-Admiralty Court in 1806,[1] it was said that the Treaty of 1783 gave no authority to trade with the shore, but that we could lawfully send our own vessels to those waters to supply our own fishermen there, or purchase their cargoes, and that such vessels might lawfully anchor in British harbors on their route to their destination.

In 1825, after several efforts, the legislatures of the two governments began to open trade, and the act of Charles II. was subsequently repealed. In 1830 the United States and Great Britain dropped their respective non-intercourse laws as to British North America, and opened their ports to each other, upon being satisfied that neither imposed on the other's vessels "any restrictions or discriminations."

"His Majesty declares," says Mr. Secretary Buller, November 6, 1830, "that the ships of and belonging to the United States of America, may import from the United States aforesaid, into the British Possessions abroad, goods the produce of those States, and may export goods from the British Possessions abroad, to be carried to any foreign country whatever."

General Jackson's proclamation, October 5, 1830, says: "British vessels and their cargoes are admitted to an entry

[1] Stewart's Reports, p. 75.

in the ports of the United States from the islands, provinces and colonies of Great Britain, on or near the American continent and north or east of the United States."

Thus was the right of the vessels of each to the privileges of foreign commerce in the ports of the other established without any class restrictions. Buying and selling bait, like the importation or exportation of it, are commercial transactions, and therefore, by the pledged faith of the proclamation of 1830, open to commerce by the vessels of each country.

It is because Canada in 1886, deprived American fishermen of the liberty of buying and exporting in their vessels, and fines or forfeits their vessels for holding intercourse with the shores, that retaliation became necessary on our part.

This conduct has been aggravated by various rules restricting and impairing the treaty right of our fishermen, and finally crowned by an act, approved November, 1886, which really more than revived the old, repealed non-intercourse act of Charles II., except so far as exceptions might be made by treaty or by law. On learning of this statute and the other facts, Congress empowered the President, in his discretion, to suspend intercourse with Canada in whole or in part, thus enabling him to revive our non-intercourse acts of 1818, which had offset formerly the act of Charles II.

Canada has begun this affair. Her excuse is that the words "for no other purpose" in the Treaty of 1818, permanently exclude our fishermen. She disregards the fact that the agreements of 1830, expressed that they were based on the respective removal of "all restrictions on commerce and discriminations on tonnage."

It is a disingenuous excuse. Clearly, in the fishing treaty of 1818, the words "for no other purpose" rebut the idea that commercial or unnamed trading privileges were intended to be granted to vessels of the United States. Great Britain had closed all her colonial ports from foreign vessels by law. She opened them in the same way by the proclamation of 1830, and they stand open until closed by law. Since the proclamation, the fishing vessels of Canada have enjoyed in the ports of the United States every privilege of commerce flowing from those

proclamations. Not only did Canada know this, but a perverse disposition has induced her, while continuing in their unrestricted use and enjoyment, to endeavor to deprive our fishermen of their similar right in Canada.

There was, after 1830, no law prior to this of 1886, which excluded our fishermen from trading or transshipping cargoes in Canadian ports destined for the United States. Canada, however, claims that the British act of 1819 excludes American fishermen from "buying bait" in her ports. By that statute, if a foreign vessel, within the waters where the right to fish has been renounced by the United States, or any persons on board, "shall be found fishing or to have been fishing, or preparing to fish" within such distance of the coasts, etc., the vessel shall be seized, prosecuted, condemned, etc.

The clause states that the method of proceeding shall be the same as in proceedings under customs or navigation acts. The preamble of the statute reads, "to make regulations respecting the taking and curing of fish," etc. This does not look like a law to prevent the buying and exporting of bait, a matter at that time decisively covered by the act of 12 Charles II., then in full force.

Careful examination was made at the time of the Halifax Commission, of all the records of seizures of American fishermen, and it was found that, prior to 1870, not one had been charged with "buying bait" as a violation of the clause "preparing to fish."

In 1870, for the first time, this construction was set up, and two American vessels seized, and, among other matters, libeled for buying bait in open port, in alleged infringement of the act of 1819.

In one court, the judge (Young), said incidentally, "I take it that is a preparing to fish," and discussed the construction no further. In the other case, the White Fawn, another judge (Hazen) possessed of high legal acumen, gave a carefully considered opinion. He said: "Assuming the fact that such purchase establishes a preparing to fish, which I do not admit, I think, before a forfeiture can be incurred, it must be shown that the preparations were for an illegal fishing in British waters."

This is a sound construction. The statute professes to regulate fishing in certain limits, not customs. The offense defined as "preparing to fish within such limits," is the sequent of the prohibition "to take, dry or cure fish within such limits," and in no sense is a regulation of customs. Broadly, every movement of a fishing vessel, even procuring wood, water, repairs or shelter, or sailing outward bound, is a preparation for fishing, but not for fishing within the limit assigned as British waters. Thus Judge Hazen's legitimate discrimination, that the clause is to protect the fish in the three-mile limit, saves the clause of the statute from positive antagonism to the Treaty of 1818.

In neither of these cases did the pleadings raise the point that subsequent laws and proclamations had opened the trade of the colonies to foreign vessels; and, consequently, had the act of 1819 intended what the Crown claimed it did, it would still be superseded by the later acts, legalizing such trade in bait, and fall into limbo with the act of 12 Charles II. Consequently neither of the judges expressed any opinion on this point.

There is, however, a decision of some consequence on the point. In 1877, before the joint commission which awarded $5,500,000 damages against the United States, Canada made a claim that buying bait in port was an incident of the Treaty of 1871, and should be valued. The counsel for the United States claimed that it was a commercial privilege which did not spring from this treaty.

The commission decided unanimously for the United States, and Canada and Great Britain acquiesced in the decision, one of the members, Sir A. Galt, protesting and acquiescing.

From 1877 to 1886 our vessels continued without opposition to buy bait in Canadian ports. This is proof that she considered that the proclamations of 1830 had opened her trade with American fishing vessels. But in May, 1886, without making a new, or repealing an old law, Canada interfered with and seized American vessels for buying bait in her ports and taking it on board, justifying her spoliation on that abandoned and exploded ground, that it was a "preparing to fish."

Her eyes were blind and her ears were deaf to that fifty-six years of open trade, in the enjoyment of which at the very day

and hour of the first seizure, that of the D. J. Adams, Canadian vessels were lying in her home port, Gloucester, actually buying bait and other supplies for deep sea fishing; as they were to the decision of the Halifax Commission that "buying bait" was a commercial, and not a fishing or treaty transaction.

I shall not discuss whether it is her right; but, so far as known, she has persistently ignored every British statute, except the act of 1819, and this she has superseded or reinforced by legislating on the subject over again, making new acts to change the effects of a treaty, already for forty years in force before this present Canada was incorporated, — a treaty made before she was born and to which she was not a party.

Canada excels in the inconsistency of her position. Thus, whilst denying the privileges of commerce or intercourse to our fishing vessels, she restricts their treaty privileges through the clauses of her customs laws regulating trading vessels. If these apply, surely our vessels are entitled to the benefits of that commercial intercourse they are made to regulate.

From 1793, the United States have issued, at request, to its licensed fishing vessels, permits to engage in trade at foreign ports. Clothed with these papers, our licensed fishing vessels have visited all the ports of the Atlantic and Pacific, during almost a century. Canada alone, and only in 1886, has refused to respect the authority of the United States to document her own vessels in her own way to engage in commerce. The "Register" and the "Enrollment and License" with "permit to trade," equally express the authority of the government that the vessel, bearing them may engage in foreign trade. It is willfulness to argue that, because our "permit to trade" could not open colonial ports closed by law from foreign trade, therefore, it was not entitled to respect in ports which had by law been opened to trade with all vessels of the United States. Neither the Treaty of 1818, the act of 1819, nor the proclamations of 1830 name or restrict the forms of papers which either party shall use for its vessels visiting the ports of the other.

Neither national usage nor the law of nations forbids foreign fishing vessels from seeking the ports of a friendly nation to buy provisions, stores or bait that they need; yet Canada bars

her ports to ours, whilst their fishing vessels still enjoy all these privileges in our ports.

The Canadian Act, approved November, 1886, goes farther than a denial, and proposes to confiscate our fishing vessels whenever want of provisions, or other distress than "wood, water and repairs," — when tides, currents, fogs, the accidents or exigencies of navigation, or any other cause not previously defined in a statute or treaty, — shall bring them within "British waters" and within the grasp of her cruisers. Can that be friendly which thus abjures the unwritten law of nations, and the common courtesies of humanity?

If these are not the hostilities by sea which the Treaty of 1814 proposed to end, they are their counterpart. Will Canada attempt the thin excuse that her government does not intend literally to execute this Algerine law of exclusion and forfeiture?

Its menace of hostility to the human race remains.

The Canadian Parliament shows imperial ideas in its act of 1886. British statutes do not reveal any grant to it of either exclusive or concurrent jurisdiction over "British waters," outside of ports and harbors. Great Britain has not excluded foreigners from their use, except "for fishing." Canada overrides all this tacit permission and declares every foreign vessel forfeited, which enters "British waters" for any purpose not permitted by treaty or law of the United Kingdom or Canada, for the time being in force. Thus the law of nations is set aside and British waters declared by her to be a maelstrom, sucking in and forfeiting every foreigner, whom chance, accident or necessity draws within its vortex.

That there may be no mistake that this is indeed a vortex, let me recall the fact that paragraph 10 of the act of 1868, to which this is an amendment, declares that, in seizures under the act, "the burden of proof shall be on the claimant." Consequently, under the new law, the necessary proof on the part of the Crown is reduced to the mere fact that the seized vessel had entered "British waters;" it is for the claimant to prove, if he can, some "treaty or law of the United Kingdom or of Canada for the time being in force," which gave him a permit to enter such waters for the purpose for which he entered, and, if he can, to show what it was

beyond a doubt. This is smoothly delusive. Courts of law are not arbitrators to review the foreign policy of their governments. They must take the construction of a treaty as the executive for the time being gives it. Such construction has been made by Canada. The Hon. George E. Foster, Minister of Marine and Fisheries, on March 5, 1886, issued a "warning" declaring "that, by virtue of the treaty provisions and act of Parliament above recited (Canada, 1868), all foreign vessels or boats are forbidden from fishing or taking fish by any means whatever, within three marine miles of any of the coasts, creeks or bays of Canada, or to enter such bays, harbors and creeks except for the purpose of shelter and of repairing damages therein, of purchasing wood and obtaining water, and for no other purpose whatever. Of all which you will take notice and govern yourselves accordingly."

In June a statute, ratified in November, enlarged this prohibition and declared entering British waters a cause of forfeiture.

With the treaty thus construed by official Canada, and I am not sure but I may say by official Great Britian, this law will supersede in Canadian courts the acts elsewhere referred to. The function of the court is reduced, like that of a prize court, to rendering judgment against the property of the foreigner, leaving the crown to satisfy the unfortunate claimants' government of the lawfulness of the spoliation. Canada says, practically, but one law covers an American vessel entering British waters, the law of confiscation.

This statute of 1886 professes to be "an act to regulate fishing by foreign vessels," and hides from cursory observation, with great adroitness, the impaling barbs which lacerate the rights of navigation and commercial relations.

It is believed that no case has yet arisen under its provisions.

The British Parliament, in creating the present Canada, said she should have powers to perform the obligations of Canada, as a province of the British Empire, toward foreign countries, arising under any treaties between the empire and such foreign country. But who empowered her to define the obligations of the other party to a treaty not made with Canada, or to exact them from the citizens of such party?

I do not profess to determine whether the Canadian or the Imperial Parliament is supreme and conclusive on subjects which the latter has legislated upon, nor will I go further than to contend that the proclamations of 1830, with their attendant legislation, constituted a basic regulation of the commerce of British North America, between the two powers, Great Britain and the United States, pervading a broader sphere than the colonies now represented by Canada, viz., all the British Provinces in the West Indies and North America, etc.; that in the nature of things it is an Imperial commercial arrangement for all of them with the United States, and beyond the power of one of the colonies affected by it to alter, change or retract from, without the particular and special authority thereto of the Imperial Parliament, from which it emanated on the one side. Such authority has not been given.

Legal minds must assent that otherwise any of the numerous colonies may, by local legislation, destroy the contract and subject the other colonies and the Imperial government to unknown contingencies. Otherwise than the above suggestion, I have discussed Canada's action on these proclamations, from her own assumed standpoint that she had full power from Great Britain.

A crown lawyer should also ask where Canada got the right of concurrent legislation with the Imperial Parliament on the subject of the act of 1819, and the fishing treaty? This government renounced to Great Britain its right to take fish on certain shores, but not to Canada. If the latter has an independent jurisdiction, it has no claim under that treaty.

The act of 1819 empowered the Privy Council of Great Britain to make regulations to prevent the abuse of the use of ports, harbors and creeks of that part of British North America which the Treaty of 1818 secured to American fishermen. The Canadian Parliament, impropriating the Privy Council, has defined by its statute more offenses and the same offenses, and declared other penalties and higher ones, and made other dispositions of the proceeds.

In the cases of D. J. Adams and Ella M. Doughty, the libels claim that both these acts are infringed and both sets of penalties incurred. Which has the paramount right? Lord Salisbury, in

the Fortune Bay correspondence, admitted that subsequent local laws will not limit treaty rights. Will he stick to this now?

The Canadians befog their argument with an idea that the Treaty of 1818 works forfeitures of itself. English courts, like ours, have decided that without legislation no penalties can be defined or exacted of infringers. Therefore the act of 1819 was passed to cover the fishing and harbor subjects. The words "and for no other purpose" did not need new legislation, because commerce by sea of all vessels of the United States, was then denied under the act of Charles II., closing colonies against it.

When, interdependently and by concert, in 1830, the United States made trade by sea to and from Canada and all British America, and the West Indies free in all vessels, and Great Britain did the same, occasion for commercial restriction or forfeiture to enforce it ceased equally and completely to all our vessels, not only there, but in all the British North American colonies and isles.

The removal was as broad and comprehensive as the prohibition previously has been. There were no reservations in the proclamations, either of Great Britain or of the United States, in 1830.

Great Britain had exhausted her will to keep foreign vessels out of her colonial trade, and now invited them to come there for the purposes previously forbidden. After fifty-five years of prosperous enjoyment of the commercial privileges opened to her by these proclamations, Canada now seeks to renew the prohibitions of the statute of Charles II., so far as will prevent our securing supplies in her ports for vessels engaged in the deep sea fishery, but continues to enjoy all the benefits of those proclamations, including procuring supplies for her own inshore and deep sea fisheries, and buying bait in our ports; which, in 1886 and 1887, she did to the annual extent of ten thousand barrels. This she proposes to effect by indirect ways.

Such trifling with mutual commercial obligations has not deceived Congress, nor has it overlooked the serious restrictions on the right guaranteed by treaty, nor the invasions of ordinary hospitality prescribed by the laws of nations. The conditions of trade are transitory and depend on the laws of the countries

engaged therein; and I have pointed out the fact that no law of Canada pretends to repeal the British acts or proclamations of 1830, as one striking evidence of the evasive nature of her pretended justification.

So long as the flag of Great Britain flies over Canada, our rights, under the Treaty of 1818, are permanent; and though we may regret Canada's unwillingness to live up to them, that is no reason for yielding them up, nor for not persistently demanding redress for the injuries inflicted on our fishermen, and the full measure of that which is accorded us in the treaty. The list of these spoliations is long; and the sense of wrong inflicted on us has led Congress unanimously to enact measures of retaliation, and to place their control in the hands of the President.

The rights, elaborately defined by treaty, which we possess along the coasts and in the bays, harbors and ports of British North America, belong as fully to the United States as does the Capitol or the White House at Washington. They are the trophies of the centuries of privation, toil and bloodshed, through which our colonial ancestors secured themselves from foreign influences.

There is not a foot of British North America, from Lake Superior to the Atlantic, to the winning of which from France our American ancestors did not bear their share in arms. The memories of Lake George, Frontenac, Detroit, Quebec and Louisbourg are our heirlooms as well as England's. Great Britain's fishing rights, in or adjacent to what is now British North America, were never exclusive. Whatever pertained to the great common of fisheries, whatever enured from the conquest of Canada, equally pertained and enured to us as to her. The Treaty of 1783 regulated mutual joint and several uses in a part of these old common or acquired fishery rights, and that of 1818 was a partial re-arrangement thereof. In said treaties, no pretension can be found that Great Britian then or ever before had any exclusive ownership over the fisheries of the North-east.

Canada also has refused to perform the obligation of the 29th article of the Treaty of 1871, admitting merchandise destined for the United States to a free transit across her territory, whilst she enjoys a similar right from the United States.

I shall not detail the abridgement of our treaty rights on her coasts that she is persistently carrying out, nor dwell on the mockery of justice exhibited by the legal proceedings which she has invented, to squeeze fines and forfeitures out of American owners; and though I might hint at the complacency with which Great Britain pigeon-holes the remonstrances of the diplomatic representatives of the United States, and evades their complaints as to the present conditions, by throwing out suggestions for new treaties, as the harpooner throws a tub to an enraged whale to divert him from the boat, — yet I forbear comment on what is still under diplomatic discussion.

The commercial course of Canada concerns Congress directly. The remedy must be initiated there. The Treasury Department, through the report of its late distinguished chief, Mr. Manning, the committee of the Senate, that of the House, the State Department, and the President in his message of December 1, 1886, have borne unanimous testimony of the "unfriendly and unwarrantable treatment by the local authorities of the maritime provinces of the Dominion of Canada" which American fishermen have sustained. Each house of Congress has unanimously expressed a like opinion, and legislated in accord, authorizing retaliation. Does Canada indulge the delusion that, by declining to live up to the proclamations for over fifty years in force, which opened commerce by sea between her and us, and by declining to live up to the 29th article of the Treaty of 1871, she can exact new commercial privileges from the Congress of the United States?

The deep sea fisheries of the United States are not dependent on the good or evil will of Canada. Our fisheries defy the worst that Canada can do by legislation. She may drive our vessels from her ports, make her shores as fertile in confiscations as they are in shipwrecks. Our fishing interests have found her professions of friendship more disastrous than shipwreck or confiscations or non-intercourse.

Treaties with Great Britain in the past have inflicted such injury on our navigation engaged in the fisheries, that new ones bode further injury. Strong evidence of good faith, by living up to commercial agreements solemnly made, must be furnished

by Canada and Great Britain, before any new scheme of treaty can be made acceptable to the people of the United States in Congress assembled. Experience teaches that we must hold the weapon of immediate retaliation always in hand, to secure good faith from her.

Mr. Jay's letter admirably discusses the true meaning and intent of the Treaty of 1783, illustrated by the avowals of the negotiators on each side, who appear singularly unanimous in sustaining John Adams' account, that it was intended to admit the equality of our fishing rights on the coasts of British North America. Notwithstanding the objections to this plan, Mr. Jay's letter is a valuable contribution to the literature of the fishery question.

The policy of independence that leads nations to build their own ships of war, and make their own arms, applies with equal force to carrying on a deep sea fishery, that nursery of seamen which furnishes the militia of the seas.

An aspiration of Great Britain to monopolize the fishery for the world, or the building of war ships and arms for all nations, would excite universal antagonism. When her acts tend to impair or destroy the fisheries of another nation, the suspicion that she seeks to increase her own and diminish the naval power of that other, naturally arises, as it did when she destroyed the Danish fleet in time of peace.

Great Britain carries too valuable a share of the commerce of the world to foment occasions for retaliation. There was an entirety in these compacts of 1830 in the exchange of privileges; it was all for all. What Great Britain obtained has largely benefited all her possessions on this side of the Atlantic. The question involves all their commerce with the United States. Most assuredly no one colony will be allowed by us to repudiate such parts as it pleases and enjoy the rest of that agreement. Having supplanted our commercial marine in our carrying trade, does she think to destroy the last sticks which bear our flag in the fisheries?"

Our fishermen are not dependent on British America for supplies of bait, nor is their commerce vital to our welfare. Do not for a moment think they are suppliants for favors from provinces

or empire, because this country asks that its own shall not be trespassed upon. We need no treaty aid. It is Canada that needs it, not the United States.

We cannot be expected to make a treaty that will aid Canada in her avowed policy of destroying, as far as she can, our deep sea fisheries, nor can we reasonably be asked to abandon our rights in order to effect that purpose, nor will Congress consent to legislate that purpose into effect.

Since writing the foregoing, Mr. Bayard's proposals for an arrangement of details, under the Treaty of 1818, that will produce a harmonious co-operation of the two governments, and supply our fishermen with fixed rules in relation to its clauses, has been published.

This fair proposal was rejected last autumn by the British Ministry, and a counter proposal made that we should purchase certain rights of them.

There is one pertinent answer. We do not desire to buy what Great Britain thus offers to sell, nor do we consider it worth buying. We will not buy what is our own. Great Britain is hard to convince of these facts, but she may rely upon it that the people consider the continuance of the fishery, under its flag, as of some importance. Great Britain may evade or dally with the very candid proposal of Mr. Bayard for harmonious living under the present treaty; but in the end it is the issue she must meet, and meanwhile, so long as our commerce is interrupted and preyed on by Canada, such retaliation as Congress has enacted or may enact will be relied on for our just defense.

I am, very respectfully, your obedient servant,

CHARLES L. WOODBURY.